

# EXHIBIT 30

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
LITIGATION

No. M 07-1827 SI

MDL. No. 1827

This Order Relates to:

All Direct- and Indirect-Purchaser  
Plaintiff Class Actions

**ORDER DENYING TOSHIBA ENTITIES'  
MOTION FOR SUMMARY JUDGMENT**

On November 4, 2011, the Court heard argument on the Toshiba<sup>1</sup> entities' motion for summary judgment. Toshiba's motion, filed against both the direct- and indirect-purchaser plaintiffs, claims that plaintiffs lack evidence to establish that it participated in the TFT-LCD conspiracy.

Arguing that it is "unique among the Defendants in this action," Toshiba emphasizes that it "ha[s] never applied for amnesty, pleaded guilty to criminal price-fixing or been charged with any wrongdoing in the United States or elsewhere." Motion at 1. Despite the fact that plaintiffs have pursued this lawsuit for five years and have benefitted from the cooperation of a number of settling defendants, Toshiba points out that plaintiffs have been unable to produce evidence that it ever attended a crystal meeting, and have produced little direct evidence that Toshiba otherwise conspired with the other TFT-LCD manufacturers. Based largely upon *In re Citric Acid Litigation*, 995 F. Supp. 951 (N.D. Cal. 1998), *aff'd* 191 F.3d 1090 (9th Cir. 1999), Toshiba argues that the claims against it should not be allowed to go to trial.

This case, however, is a far cry from *Citric Acid*. Although there is no "smoking gun" linking

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<sup>1</sup>Toshiba Corporation, Toshiba Mobile Display Co., Ltd., Toshiba America Electronic Components, Inc., and Toshiba America Information Systems, Inc.

1 Toshiba to the crystal meetings, there is ample evidence for a jury to find that Toshiba participated in  
2 the overarching conspiracy to fix prices of TFT-LCD panels. To begin with, unlike in *Citric Acid*, no  
3 conspirator in this case has unequivocally stated that Toshiba was not involved in the conspiracy. Cf.  
4 *Citric Acid*, 996 F. Supp. at 956 (“Most persuasive is the testimony of Hans Hartmann, . . . who pled  
5 guilty to being a member of the conspiracy [and] stated that no one from Cargill attended any of the  
6 meetings at which the conspirators allocated market share . . . and that he never received sales figures  
7 from Cargill.”). In fact, quite the opposite is true: Samsung employees have testified that they had  
8 ongoing discussions with Toshiba representatives during which they agreed on prices of TFT-LCD  
9 panels. The Samsung employees testified that these conversations were “illegal” and included  
10 “information that . . . should not be shared among competitors.”

11 The circumstantial evidence of Toshiba’s participation in the overarching conspiracy is also  
12 significantly more compelling than the evidence in *Citric Acid*. Viewed in the light most favorable to  
13 plaintiffs, as is required on motions for summary judgment, there is ample evidence from which a jury  
14 could conclude that Toshiba was informed of the decisions reached at crystal meetings through bilateral  
15 communications with other TFT-LCD manufacturers. There is also sufficient evidence for a jury to find  
16 that Toshiba received pricing information from its competitors, shared its own pricing information, and  
17 was aware of its wrongdoing. Although Toshiba argues that its interactions with its competitors  
18 constituted nothing more than legitimate exchanges of information, such disputes regarding the  
19 interpretation of evidence are not appropriate for resolution on summary judgment.

20 Accordingly, the Court DENIES Toshiba’s motion for summary judgment. Docket Nos. 3580,  
21 3581.

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23 **IT IS SO ORDERED.**

24 Dated: November 7, 2011

  
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SUSAN ILLSTON  
United States District Judge

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